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By: **Delegates Rosenberg, Hubbard, Frush, and Morhaim**

Introduced and read first time: February 8, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                           **Health - In Vitro Services - Advance Directives for Disposition of**  
3                           **Cryopreserved Eggs, Sperm, or Embryos**

4 FOR the purpose of requiring health care providers and health care facilities to  
5 require a written advance directive for the disposition of cryopreserved eggs,  
6 sperm, or embryos; requiring a certain format for an advance directive;  
7 requiring the inclusion of certain options in an advance directive; authorizing  
8 the inclusion in an advance directive of certain options under certain  
9 circumstances; requiring an advance directive to include a section on compliance  
10 with certain policies and procedures of the health care provider or health care  
11 facility; providing immunity from civil, criminal, and disciplinary actions under  
12 certain circumstances when an advance directive is followed; and generally  
13 relating to the disposition of cryopreserved eggs, sperm, or embryos.

14 BY adding to

15 Article - Health - General

16 Section 20-701 to be under the new subtitle "Subtitle 7. Advance Directives for  
17 Disposition of Cryopreserved Eggs, Sperm, or Embryos"

18 Annotated Code of Maryland

19 (2000 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22                           **Article - Health - General**

23                           **SUBTITLE 7. ADVANCE DIRECTIVES FOR DISPOSITION OF CRYOPRESERVED EGGS,**  
24                           **SPERM, OR EMBRYOS.**

25 20-701.

26 (A) A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY PROVIDING IN  
27 VITRO OR ASSISTED REPRODUCTIVE SERVICES IN WHICH EGGS, SPERM, OR EMBRYOS  
28 ARE TO BE CRYOPRESERVED FOR STORAGE SHALL REQUIRE COMPLETION OF AN

1 ADVANCE DIRECTIVE GOVERNING THE DISPOSITION OF THE CRYOPRESERVED EGGS,  
2 SPERM, OR EMBRYOS THAT COMPLIES WITH THE PROVISIONS OF THIS SECTION.

3 (B) AN ADVANCE DIRECTIVE GOVERNING THE DISPOSITION OF  
4 CRYOPRESERVED EGGS, SPERM, OR EMBRYOS SHALL:

5 (1) BE IN WRITING AND SIGNED BY:

6 (I) FOR CRYOPRESERVED EGGS, THE FEMALE DONEE;

7 (II) FOR CRYOPRESERVED SPERM, THE MALE DONEE; OR

8 (III) FOR CRYOPRESERVED EMBRYOS, BOTH THE MALE AND  
9 FEMALE DONEES;

10 (2) INCLUDE A SELECTION OF ANY OF THE OPTIONS AVAILABLE AND  
11 PROVIDED BY THE HEALTH CARE PROVIDER OR HEALTH CARE FACILITY PROVIDING  
12 THE IN VITRO OR ASSISTED REPRODUCTIVE SERVICES FOR THE DISPOSITION OF  
13 CRYOPRESERVED EGGS, SPERM, OR EMBRYOS, AS PROVIDED IN SUBSECTION (C) OF  
14 THIS SECTION, IN THE EVENT OF:

15 (I) DEATH OF A PARTICIPATING PARTNER;

16 (II) DIVORCE OF THE PARTICIPATING PARTNERS; OR

17 (III) A DECISION BY EITHER OF THE PARTICIPATING PARTNERS TO  
18 CEASE PARTICIPATING IN THE IN VITRO OR ASSISTED REPRODUCTIVE SERVICES  
19 PROGRAM;

20 (3) INCLUDE A PROVISION REQUIRING COMPLIANCE WITH THE  
21 POLICIES AND PROCEDURES REQUIRED TO NOTIFY THE HEALTH CARE PROVIDER OR  
22 HEALTH CARE FACILITY RESPONSIBLE FOR THE CRYOPRESERVED EGGS, SPERM, OR  
23 EMBRYOS OF A REQUEST TO CHANGE OR EXECUTE AN ADVANCE DIRECTIVE FOR THE  
24 DISPOSITION OF THE CRYOPRESERVED EGGS, SPERM, OR EMBRYOS; AND

25 (4) IF APPLICABLE, INCLUDE AN AGREEMENT REQUIRING COMPLIANCE  
26 WITH THE POLICIES AND PROCEDURES TO BE FOLLOWED IN THE EVENT OF  
27 NONPAYMENT OF STORAGE FEES.

28 (C) THE OPTIONS AVAILABLE AND PROVIDED BY THE HEALTH CARE  
29 PROVIDER OR HEALTH CARE FACILITY PROVIDING THE IN VITRO OR ASSISTED  
30 REPRODUCTIVE SERVICES FOR THE DISPOSITION OF THE CRYOPRESERVED EGGS,  
31 SPERM, OR EMBRYOS UNDER SUBSECTION (B)(2) OF THIS SECTION MAY INCLUDE:

32 (1) TRANSFER OF THE CYROPRESERVED EGGS OR EMBRYOS TO THE  
33 MALE PARTNER IN THE EVENT OF THE DEATH OF THE FEMALE PARTNER;

34 (2) TRANSFER OF THE CYROPRESERVED SPERM OR EMBRYOS TO THE  
35 FEMALE PARTNER IN THE EVENT OF THE DEATH OF THE MALE PARTNER;

1           (3)     DONATION OF THE CRYOPRESERVED EGGS, SPERM, OR EMBRYOS TO  
2 ANOTHER INDIVIDUAL OR COUPLE;

3           (4)     DONATION OF THE CRYOPRESERVED EGGS, SPERM, OR EMBRYOS  
4 FOR RESEARCH PURPOSES; OR

5           (5)     THAWING OF THE CRYOPRESERVED EGGS, SPERM, OR EMBRYOS  
6 WITH NO FURTHER ACTION.

7     (D)     A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY MAY NOT BE HELD  
8 LIABLE FOR CIVIL DAMAGES AND IS NOT SUBJECT TO ANY CRIMINAL OR  
9 DISCIPLINARY ACTION FOR A DISPOSITION OF CRYOPRESERVED EGGS, SPERM, OR  
10 EMBRYOS THAT IS CARRIED OUT IN ACCORDANCE WITH AN ADVANCE DIRECTIVE  
11 THAT COMPLIES WITH THE PROVISIONS OF THIS SECTION.

12     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2001.